

# CREATING THE CONSTITUTION

What is the Proper role of a National Government?

Mr. Richardson, MAT

GHHS

# BILL OF RIGHTS

- 1<sup>st</sup> Amendment
- Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

# WHY DOES THIS MATTER?



• NY Times article

• <http://www.nytimes.com/2007/06/26/washington/26speech.html>

- Frederick sued the school board on the grounds that his First Amendment right to free speech was infringed upon. The 9th U.S. Circuit Court of Appeals in San Francisco, California, agreed with him. They concluded that the school could not show Frederick had disrupted the school's educational mission by displaying a banner off campus.



# WHY DOES THIS MATTER?



NY Times article

<http://www.nytimes.com/2007/06/26/washington/26speech.html>

- 25 June 2007, the Court decided in five-to-four favor of the school board in the case of *Morse v. Frederick*. The majority—represented by Chief Justice John Roberts—argued that since "schools may take steps to safeguard those entrusted to their care from speech that can reasonably be regarded as encouraging illegal drug use," the school did not violate Frederick's First Amendment rights by confiscating his banner and suspending him.

# WHY DOES THIS MATTER?

If you've discussed the government with family or friends, you have discussed the constitution

- Is it constitutional for the president to secretly wiretap people's phone lines without a warrant?
- Or, is it constitutional for the country to go to war without a declaration from Congress?
- And just how much power is Obama and the executive branch *supposed* to have, anyway?



# WHY DOES THIS MATTER?

It's all here!

The constitution is the guide for life as Americans, our freedoms, our elections, and our balance of power.

We will see in this Constitution and it's Amendments: abolition of slavery, the right to vote for all races and genders, then everyone over 18!



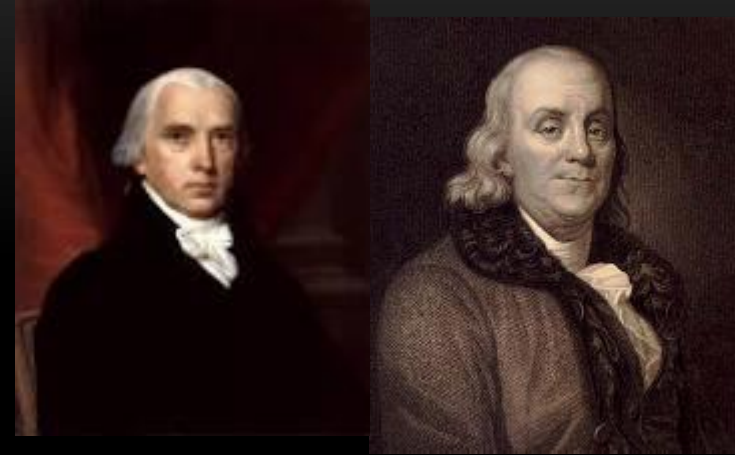
# REMEMBER THE LADIES

- Abigail and John Adams before the Constitutional Convention
  - How does Abigail try to convince John?
  - Why does John say women don't need to be represented in the Constitution?
-

# WOMEN AREN'T "IN THE ROOM"

## WHO IS?

- 55 delegates from 12 states
- Purpose changes participants
  - Average age 42, white males
  - Educated, RICH
  - 40% slave owners
- Notable absence: women, Natives, POC, poor  
Thomas Jefferson, John Adams, Patrick Henry
- Key Participants: Washington, Madison, Franklin





# COMPARING COMPROMISES

- Create the graph below in your notebook.
- For each of the three compromises, briefly explain what the problem was. Then list the different solutions that were debated and describe the final compromise solution.

Compromise	Problem	Conflicting Ideas	Solution
Great Compromise			
Three-Fifths Compromise			
Electoral College			

# WAS THE CONSTITUTION DEMOCRATIC?

Fear of democracy: anti-democratic Senate

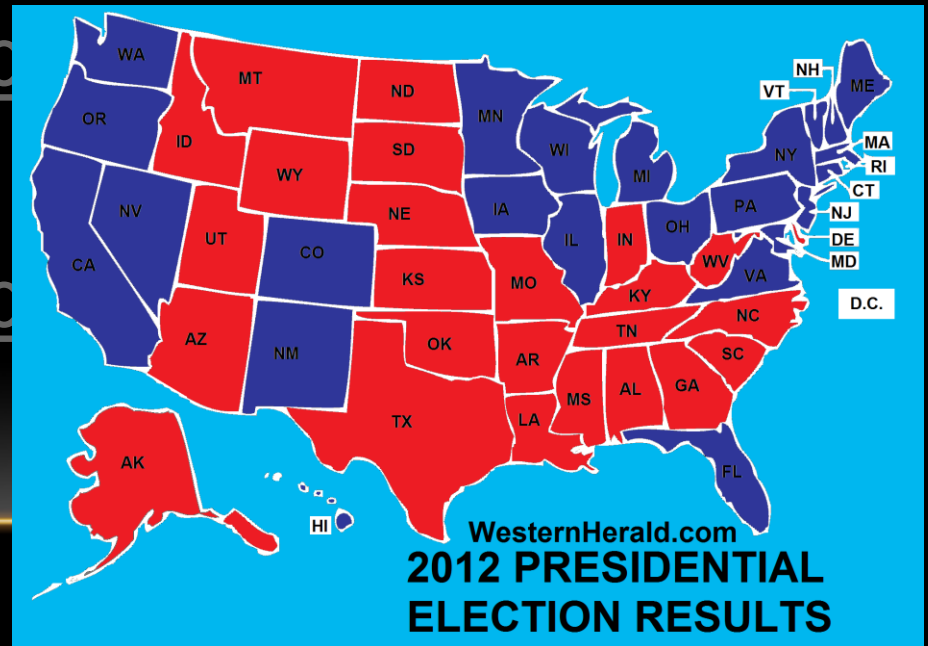
Some positives

- Representatives democratically elected
- No property requirements for running for office
- Voting requirements left to states
- Congressmen are paid

<a href="#">Massachusetts</a>	95,453	87,289	190,582	5,463	0	378,787	#DIV/0!
<a href="#">North Carolina</a>	69,988	77,506	140,710	4,975	100,572	393,751	2.915115539
<a href="#">Pennsylvania</a>	110,788	106,948	206,363	6,537	3,737	434,373	115.2357506
<a href="#">Virginia</a>	110,936	116,135	215,046	12,866	292,627	747,610	1.554822351
<b>Total</b>	807,094	791,850	1,541,263	59,150	694,280	3,893,635	4.608162413
<b>US States</b>							
pop comparison: most to least							
standard deviation (/10,000)							
% senators representing 50% of p							
in the fifty states	in States & Terr	Name	estimate, July	population, Apr	rise from 2010	House of Repre	on per electoral
1	1	<a href="#">California</a>	39,557,045	37,252,895	6.19%	53	719,219
2	2	<a href="#">Texas</a>	28,701,845	25,146,105	14.14%	36	755,312
3	3	<a href="#">Florida</a>	21,299,325	18,804,623	13.27%	27	734,459
4	4	<a href="#">New York</a>	19,542,209	19,378,087	0.85%	27	673,869
5	6	<a href="#">Pennsylvania</a>	12,807,060	12,702,887	0.82%	18	640,353
6	5	<a href="#">Illinois</a>	12,741,080	12,831,549	-0.71%	18	637,054

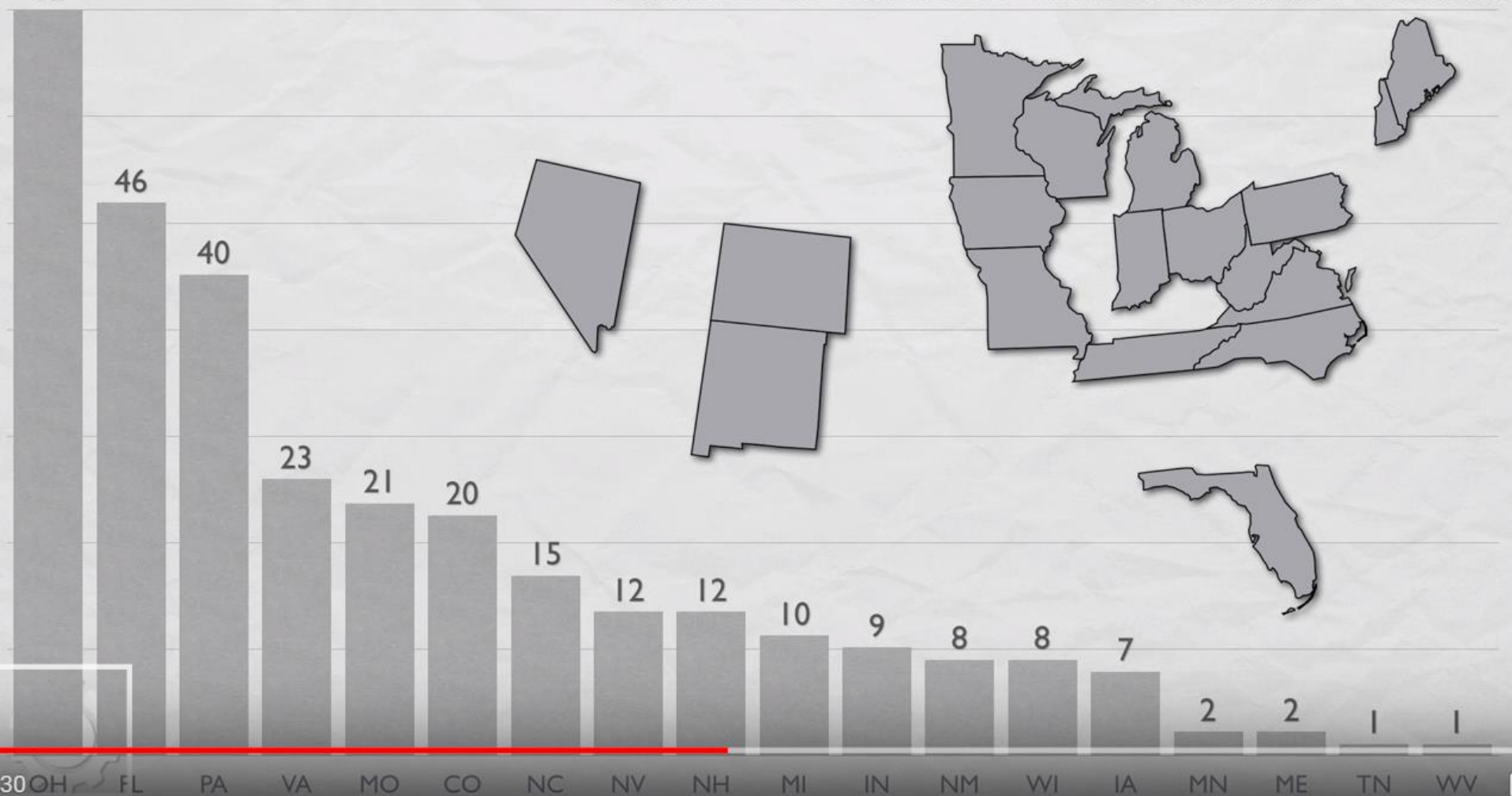
# ELECTORAL COLLEGE

- [illegible]



62

## Number of candidate visits in the final 2 months





Popular Vote

Year

Electoral College



# SLAVERY IN THE CONSTITUTION

- Jefferson's Declaration slavery grievance
- Who is Thomas Jefferson blaming for slavery?
- Thomas Jefferson owned slaves. Do you believe that he really opposed slavery?
- Why might he have wanted to include the grievance in the Declaration of Independence?

- Excerpt from Jefferson's slavery grievance: King George III has waged cruel war against human Nature itself. He has taken away the most sacred rights of Life and Liberty from a distant people who never offended him. He did this by capturing and carrying them into slavery in another hemisphere if they did not die a miserable death in their transportation to this new world. These disgraceful practices are the Warfare of the Christian King of Great Britain.
- He has stopped every attempt to prohibit or to restrain the disgusting business of slavery. He is determined to keep open a market where men are bought and sold.

# SLAVERY IN THE CONSTITUTION

- Concrete
- 3/5 Compromise (Art 1, Sec 2)
- Protects slave trade 20 years (Art 1, Sec 9)
- Fugitive Slave law (Art 4, Sec 2)
- Abstract
  - Protect property rights
  - Difficulty of Amendment
  - Illegal to tax exports



- Why did the founding fathers keep slavery in the CONSTITUTION if the Declaration of Independence claimed, “all men are created equal?”
- With a partner, fill out the graphic organizer analyzing the 4 constitutional convention speakers and 3 historians

Perspective	Was slavery a problem to the founders?	Why or why not? Evidence?
<u>Rutledge</u>		
Ellsworth		
Williamson		
Franklin		
Kaminski		
<u>Freehling</u>		
Hall		

# SLAVERY IN THE CONSTITUTION

- Overall did these men realize that slavery was a problem?
- Who did think it was a problem and who didn't?
- For those who did think it was a problem, why didn't they do anything to abolish slavery?

- Step into this image and be prepared to answer your groups questions



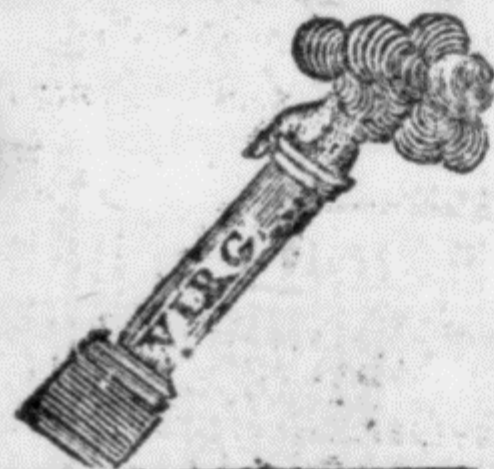
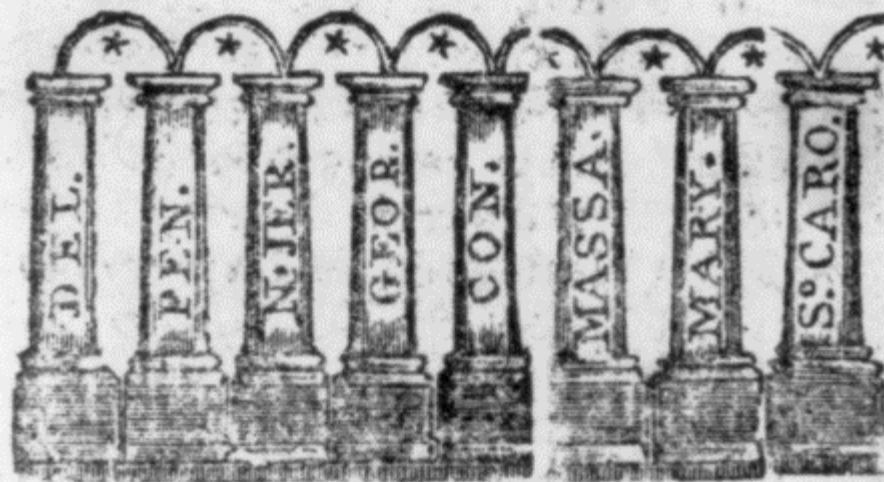


# RATIFYING THE CONSTITUTION





# REDEUNT SATURNIA REGNA.



It will rise.



**STON, Wednesday, June 11.**  
**EIGHTH PILLAR.**

ve predicted in several preceeding pa-  
has the fact been verified. Since our last  
asing intelligence of the accession of another  
R in support of the *Grand Federal Super-*  
e, has been received in this town by a ves-  
3 days from Charlestown. On this event  
gratulate the publick—as from her impor-

ot celebrating the Ratification of the Co  
by that State, had been proposed—and v  
ceed the day after the date of our account  
the plan, it is to be similar to that *origin*  
ed in this town ; and besides SIXTY-C  
ferent orders of FARMERS, MERCHA  
MECHANICKS, would consist of the *Sc*  
*ters and Scholars—the liberal professions*  
State and city civil and political officers  
closed by a military company. This is

REDEUNT SATURNIA REGNA.

On the erection of the Eleventh PILLAR of the great Na-  
tional DOME, we beg leave most sincerely to felicitate "OUR DEAR COUNTRY."



Rise it  
will.



The foundation  
good—it may yet  
be SAVED.

### The FEDERAL EDIFICE.

ELEVEN STARS, in quick succession rise—  
ELEVEN COLUMNS strike our wond'ring eyes,  
Soon o'er the whole, shall swell the beauteous DOME,  
COLUMBIA's boast—and FREEDOM's hallow'd home.

Here shall the ARTS in glorious splendour shine!  
And AGRICULTURE give her stores divine!  
COMMERCE refin'd, dispense us more than gold,  
And this new world, teach WISDOM to the old—  
RELIGION here shall fix her blest abode,  
Array'd in mildness, like its parent GOD!  
JUSTICE and LAW, shall endless PEACE maintain,  
And the "SATURNIAN AGE," return again.

# FEDERALIST V. ANTIFEDERALIST

Anonymously published; Federalists: Publius | Anti-Federalist: Cato, Brutus

Federalist authors: Hamilton, Madison, Jay

Anti-fed Arguments: lack of bill of rights, US too big, poorly written, 3/5 compromise

Federalist arguments:

10: factions are inevitable, large republics offset them;

14: America's NOT too big to govern;

39: operation of gov't (republic w/ democratic legitimacy);

51: \*\*\* checks and balances \*\*\* limit the executive (prez.);

78: judicial review

# RATIFICATION DEBATE

Upon what principles did Antifederalists object to the Constitution? How did Federalists answer those charges?

Some historians describe the clash between Federalists and Antifederalists as a struggle between economic classes while others emphasize differences in political ideology. What evidence in these debates could be interpreted to support each point of view? With which interpretation do you most agree?

Having read some of the Federalist and Antifederalist predictions of how the Constitution would work, have any of their fears come true?

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# BILL OF RIGHTS

- Amendment II
- A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

# BILL OF RIGHTS

- Amendment III
- No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.
- Amendment IV
- The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

# BILL OF RIGHTS

- Amendment V
- No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

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# BILL OF RIGHTS

- Amendment VI
- In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.



# BILL OF RIGHTS

- Amendment VII
- In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.
- Amendment VIII
- Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

# BILL OF RIGHTS

- Amendment IX
- The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.
- Amendment X
- The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

# REPUBLICANISM TO THE FOUNDERS

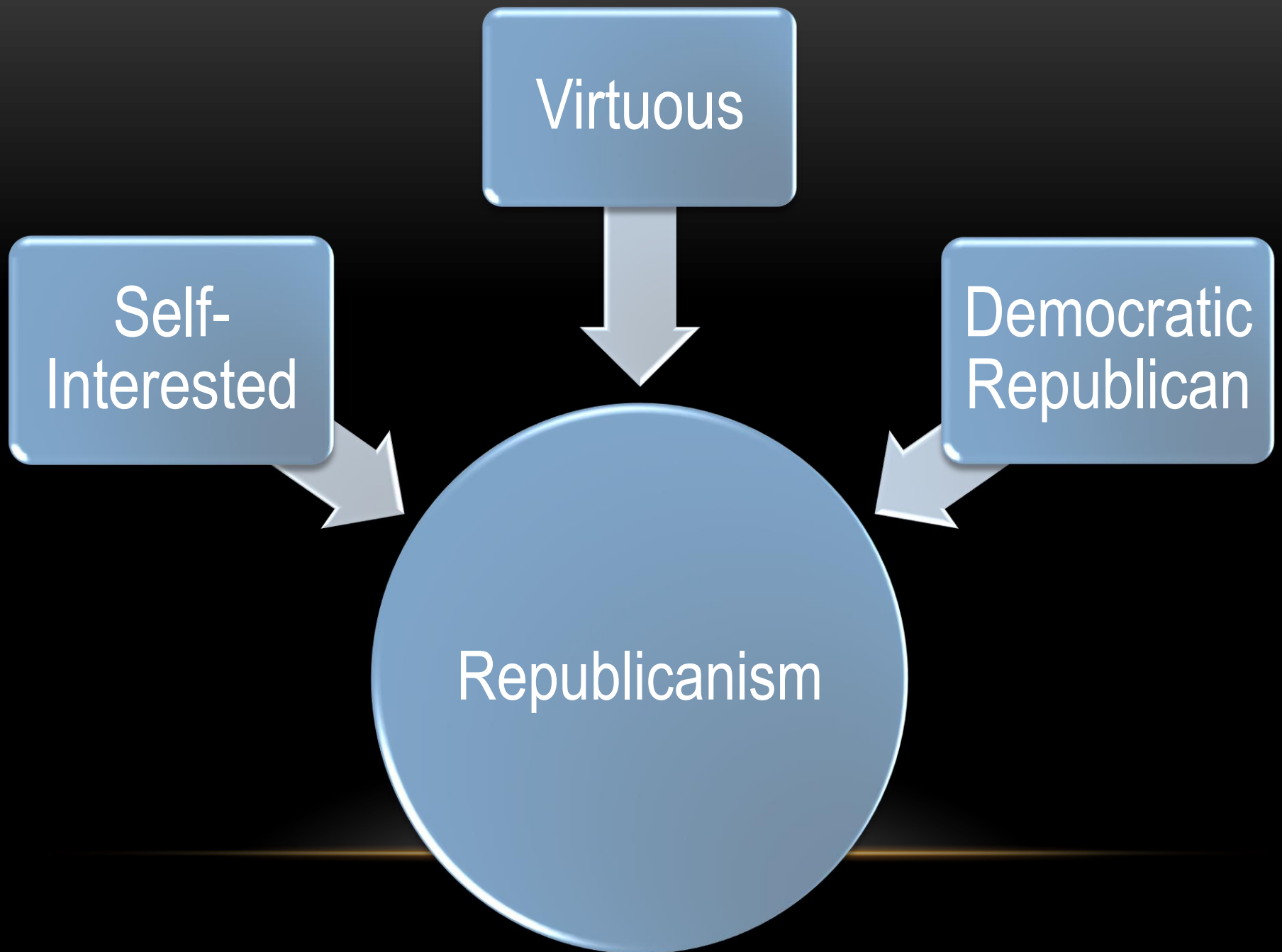
*(IN GENERAL)*

- **Symbolized a commitment to civic virtue**
  - citizens must exercise self-control for the common good
- **Liberty and power continually battle**
  - citizens must protect a fragile liberty from destructive power
- **Citizens judged by merit and not ancestral lineage**

# REPUBLICANISM TO THE FOUNDERS

*(IN ACTION)*

- **Weak executive**
  - less likely to influence and corrupt legislators
- **Frequent elections**
  - ensure officials remained committed to the public good
- **Series of checks and balances**
  - prevent any political faction or sector of society from threatening the majority





# VIRTUOUS REPUBLICANISM



- Inspired by classical ideals
- Selfless, educated citizenry
- Republican mothers
- Leadership considered a privilege
- Leaders should be virtuous, wealthy, aristocrats (i.e. well educated and above petty self-interest)
- Rule by wise should lead to enlightened government, above petty squabbles of self-interest
- Early Federalists such as Washington internalized these ideals

John Winthrop "City upon a hill"

# SELF-INTERESTED REPUBLICANISM



Alexander Hamilton

- Applied Adam Smith's economic views to politics... balance of power would result from all people pursuing their own self-interest
- Government should adopt laissez-faire attitude toward economy
- Political parties in power should use the apparatus of the national government to pursue their political and economic interests

# DEMOCRATIC- REPUBLICANISM



Thomas Jefferson

- People are ultimate source of political power...

- “The government which governs least, governs best.”

- Natural Rights & States’ Rights

- Envisioned a nation of self-sufficient small farmers

- Examples include Thomas Jefferson and Thomas Paine

Republican  
Government

We  
The  
People

Create  
Government

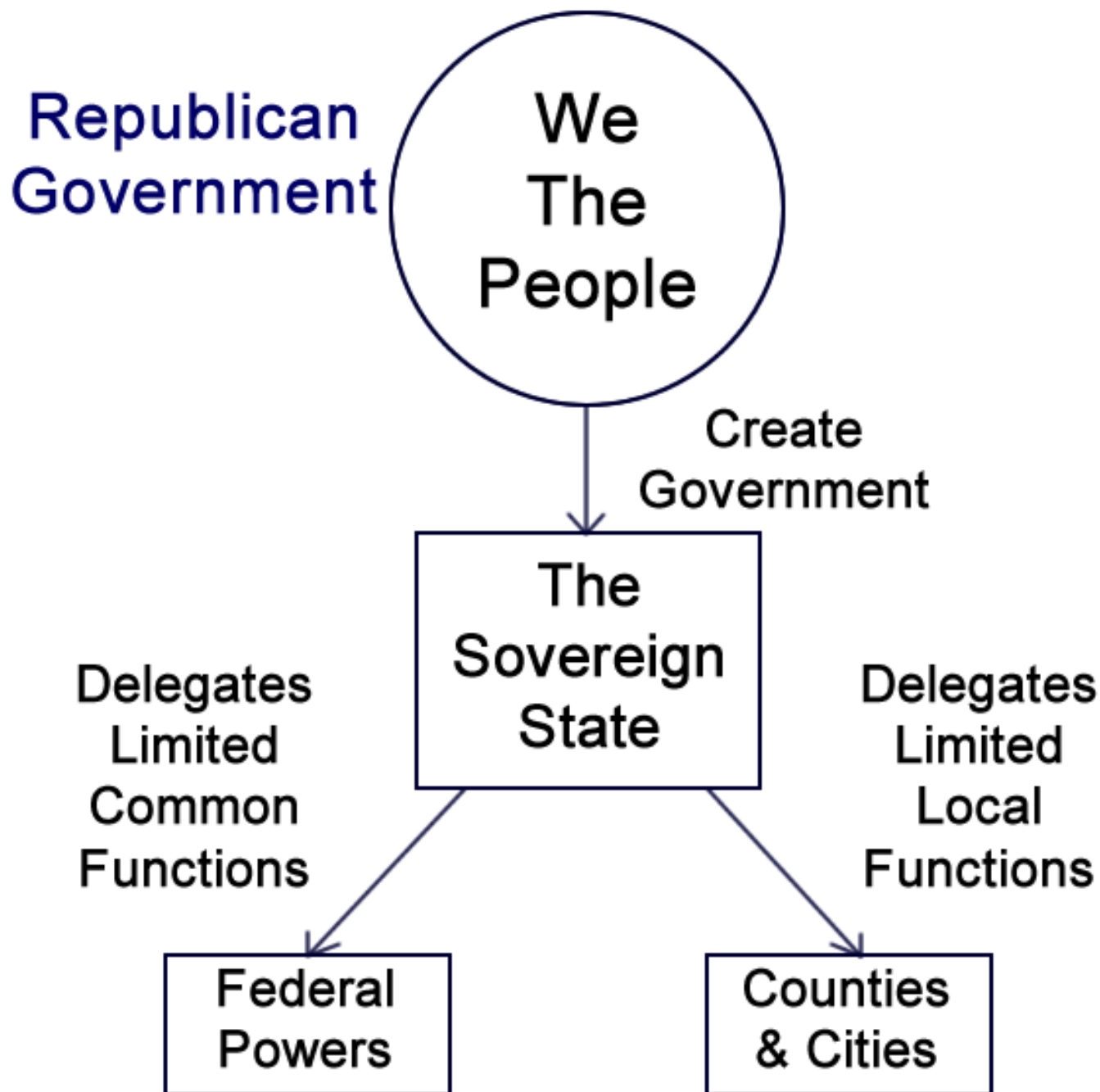
The  
Sovereign  
State

Delegates  
Limited  
Common  
Functions

Delegates  
Limited  
Local  
Functions

Federal  
Powers

Counties  
& Cities



# HISTORIANS DEBATE: GORDON WOOD V. HOWARD ZINN

- How do they interpret the Founding fathers and their motives?
- Who do you find convincing and why?
- Was the American Revolution truly revolutionary?



# THE END(?) OF REVOLUTION

- We started with two quotes
    - Adams said the Revolution began "in the Minds of the People, and this was effected, from 1760 to 1775, in the course of fifteen Years before a drop of blood was drawn at Lexington."
    - Rush said "The American War is over: but this is far from being the case with the American Revolution."
-

- "[W]e are in a wilderness without a single footstep to guide us." – James Madison 1789
  - "I walk on untrodden ground." – Washington 1790
  - The Federalists will try to legislate some order into things, the Alien and Sedition Acts being the most famous examples
-

# WRITING THE HISTORY



- 1811 letter to Adams: "I revere the Fathers. I want to be like them."
  - Adams in response: "I ought not to object to your reverence for your fathers... . But, to tell you a [very] great secret, as far as I am capable of comparing the merit of different periods, I have no reason to believe we were better than you are."
  - The "revolution" is in our hands now
-

- Describe Alexander Hamilton's plans to address the nation's financial woes. Which aspects proved most controversial, and why? What elements of the foundation Hamilton laid can still be found in the system today?
- Describe the growth of the first party system in the United States. How did these parties come to develop? How did they define themselves, both independently and in opposition to one another? Where did they find themselves in agreement?
- What led to the passage of the Alien and Sedition Acts? What made them so controversial?

# BODY PARAGRAPH

## PEER CRITIQUE

Exchange with a peer. Evaluate the extent to which you and they

- Followed our structure
- Clearly articulated an argument and substantiated with SFI
- Bonus: introduce historical complexity?

• Purpose is to Interpret the evidence

• Connect the facts to the conclusion so that the audience (reader!) understands your thinking

• Structure

- Topic Sentence: clearly relate claim to thesis/prompt
- Evidence: SFI then significance, repeat as necessary
- Tie In: how have you proved your argument?